

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HUMBERTO CASTILLO BONILLA,
Plaintiff,

-v-

COMMISSIONER OF SOCIAL
SECURITY,
Defendant.

20-CV-8216 (JPO)

ORDER ADOPTING
REPORT AND RECOMMENDATION

J. PAUL OETKEN, District Judge:

The Court has reviewed Magistrate Judge Jennifer E. Willis’s Report and Recommendation (the “Report”) concluding that Plaintiff’s motion for judgment on the pleadings (Dkt. No. 20) should be denied and that Defendant’s cross-motion for judgment on the pleadings (Dkt. No. 22) should be granted.

Plaintiff sought review of an ALJ’s determination that he is ineligible for supplemental security income benefits. Plaintiff moved for judgment on the pleadings on September 6, 2021 and Defendant cross-moved for judgment on the pleadings on November 6, 2021. On May 19, 2022, Judge Willis recommended that Plaintiff’s motion be denied and Defendant’s motion be granted. Specifically, the Report concluded that the ALJ gave proper weight to the medical evidence and that the ALJ’s overall credibility finding was supported by substantial evidence. The Report also included a notice that “[t]he parties shall have fourteen (14) days from service of this Report and Recommendation to file written objections ***Failure to file objections within fourteen (14) days will result in a waiver of objections and will preclude appellate review.***” (Dkt. No. 25 at 18.)

No party filed an objection to the Report; therefore, the Court reviews it for clear error. See Fed. R. Civ. P. 72(b), Advisory Committee’s Notes (1983) (“When no timely objection is

filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”); *see also Borcsok v. Early*, 299 F. App’x 76, 77 (2d Cir. 2008) (“The District Court then reviewed the magistrate judge’s report and recommendation for clear error and, finding none, adopted the report in full.”).

Judge Willis’s thorough and well-reasoned Report presents no such errors and is therefore fully adopted by this Court.

Accordingly, the Report and Recommendation (Dkt. No. 25) is hereby ADOPTED, Plaintiff’s motion for judgment on the pleadings (Dkt. No. 20) is hereby DENIED, and Defendant’s motion for judgment on the pleadings (Dkt. No. 22) is hereby GRANTED. The ALJ’s decision is affirmed.

The Clerk of Court is directed to close the motions at Docket Numbers 20 and 22, to enter judgment accordingly, and to close this case.

SO ORDERED.

Dated: June 17, 2022
New York, New York



J. PAUL OETKEN
United States District Judge